

**UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA
Plaintiff

v.

Case Number 4:96CR3049-001

USM Number 14978-047

TOBY L. WINCHESTER
Defendant

JOHN C. VANDERSLICE
Defendant's Attorney

**JUDGMENT IN A CRIMINAL CASE
(For Revocation of Probation or Supervised Release)**

THE DEFENDANT admitted guilt to allegation numbers 2, 4, and 7 of the Petition for Offender Under Supervision (filing 74).

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following violations:

| <u>Violation Number</u> | <u>Nature of Violation</u> | <u>Date Violation Concluded</u> |
|---------------------------|---|---------------------------------|
| 2 (Standard Condition #1) | The defendant shall not commit another Federal, state, or local crime. | June 18, 2006 |
| 4 (Standard Condition #8) | The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician. | September 9, 2004 |
| 7 (Mandatory Condition) | Defendant shall submit to a drug test within fifteen (15) days of release on supervised release and at least two (2) periodic drug tests thereafter to determine whether the defendant is using a controlled substance. Further, the defendant shall submit to such testing as requested by any United States Probation Officer to detect the presence of alcohol or controlled substances in the defendant's body fluids and to determine whether the defendant has used any of those substances. The defendant shall pay for the collection of urine samples to be tested for the presence of alcohol and/or controlled substances. | February 25, 2006 |

Original Offense: Count I of the Indictment: Conspiracy to distribute and possess with intent to distribute methamphetamine, in violation of 21 U.S.C. 846 and 18 U.S.C. 2.

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Allegations 1, 3, 5, and 6 of the Petition for Offender Under Supervision (filing 74) are dismissed on the motion of the United States.

Following the imposition of sentence, the Court advised the defendant of his right to appeal pursuant to the provisions of Fed. R. Crim. P. 32 and the provisions of 18 U.S.C. § 3742 (a) and that such Notice of Appeal must be filed with the Clerk of this Court within ten (10) days of this date.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence:
August 30, 2006

s/ Warren K. Urbom
Warren K. Urbom
United States Senior District Judge

September 5, 2006

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IMPRISONMENT

It is ordered that the defendant's supervised release is revoked. The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of **twelve (12) months with no supervised release to follow.**

The defendant is remanded to the custody of the United States Marshal.

ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge receipt of a copy of this judgment this _____ day of _____, 2006.

Signature of Defendant

RETURN

It is hereby acknowledged that the defendant was delivered on the _____ day of _____, 2006 to _____ with a certified copy of this judgment.

United States Warden

By _____

Note: The following certificate must also be completed if the defendant has not signed the Acknowledgment of Receipt, above.

CERTIFICATE

It is hereby certified that a copy of this judgment was served upon the defendant this _____ day of _____, 2006.

UNITED STATES WARDEN

By _____

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CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth below.

| | <u>Assessment</u> | <u>Fine</u> | <u>Restitution</u> |
|--|-------------------------------|-------------|--------------------|
| Totals: | \$50.00 | \$ | \$ |
| | (PAID 6/11/98, Receipt 40273) | | |
| If applicable, restitution amount ordered pursuant to plea agreement. \$ | | | |

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A ☒ in full immediately; or
- B ☐ \$_____ immediately, balance due (in accordance with C, D, or E); or
- C ☐ not later than _____; or
- D ☐ in installments to commence _____ day(s) after the date of this judgment. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due, and shall request the court to establish a payment schedule if appropriate; or
- E ☐ in _____ (e.g. equal, weekly, monthly, quarterly) installments of \$_____ over a period of _____ year(s) to commence _____ day(s) after the date of this judgment.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

All financial penalty payments are to be made to the Clerk of the U. S. District Court, P.O. Box 83468, Lincoln, NE 68501-3468.

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Special instructions regarding the payment of criminal monetary penalties:

- () The defendant shall pay the cost of prosecution.
- () The defendant shall forfeit the defendant's interest in the following property to the United States:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment.

CLERK'S OFFICE USE ONLY:

ECF DOCUMENT

I hereby attest and certify this is a printed copy of a document which was electronically filed with the United States District Court for the District of Nebraska.

Date Filed: _____

DENISE M. LUCKS, CLERK

By _____ Deputy Clerk